

875—216.31(91D) Industrial homeworkers.**216.31(1) Definitions.**

a. “Industrial homeworker” and “homeworker,” as used in this rule, means any employee employed or suffered or permitted to perform industrial homework for an employer.

b. “Industrial homework,” as used in this rule, means the production by any person in or about a home, apartment, tenement, or room in a residential establishment of goods for an employer who suffers or permits production, regardless of the source (whether obtained from an employer or elsewhere) of the materials used by the homeworker in production.

c. The meaning of the terms “employ,” “employee,” “employer,” “goods,” “person,” and “production” as used in this rule is the same as in 875—subrules 215.3(6), 215.3(7), 215.3(9), 215.3(12), and 215.3(17).

216.31(2) Items required. Every employer shall maintain and preserve payroll or other records containing the following information and data with respect to each and every industrial homeworker employed:

a. Name in full, and on the same record, the employee’s identifying symbol or number if used in place of name on any time, work, or payroll records. This shall be the same as that used for Social Security purposes.

b. House address, including ZIP code.

c. Date of birth, if under 19.

d. With respect to each lot of work:

(1) Date on which work is given out to worker, or begun by worker, and amount of such work given out or begun,

(2) Date on which work is turned in by worker and amount of such work,

(3) Kind of articles worked on and operations performed,

(4) Piece rates paid,

(5) Hours worked on each lot of work turned in,

(6) Wages paid for each lot of work turned in,

(7) Deductions for social security taxes, and

(8) Date of wage payment and pay period covered by payment.

e. With respect to each week:

(1) Hours worked each week,

(2) Wages earned for each week at regular piece rates,

(3) Extra pay due each week for overtime worked,

(4) Total wages earned each week, and

(5) Deductions for social security taxes.

f. With respect to any agent, distributor, or contractor:

(1) The name and address of each agent, distributor, or contractor through whom homework is distributed or collected and name, and

(2) The address of each homeworker to whom homework is distributed or from whom it is collected by each such agent, distributor, or contractor.

g. Record of retroactive payment of wages. Every employer who makes retroactive payment of wages or compensation under the supervision of the administrator or the commissioner shall:

(1) Record and preserve, as an entry on the payroll or other pay records, the amount of such payment to each employee, the period covered by the payment, and the date of payment, and

(2) Prepare a report of each payment on the receipt form provided or authorized by the commissioner, and

1. Preserve a copy as part of the employer’s records,

2. Deliver a copy to the employee, and

3. File the original, which shall evidence payment by the employer and receipt by the employee, with the commissioner within ten days after payment is made.

216.31(3) Homework handbook. In addition to the information and data required in 216.31(2), a separate handbook (to be obtained by the employer from the division and supplied by the employer to

each worker) shall be kept for each homeworker. The information required therein shall be entered by the employer or the person distributing or collecting homework on behalf of the employer each time work is given out to or received from a homeworker. Except for the time necessary for the making of entries by the employer, the handbook must remain in the possession of the homeworker until such time as the division may request it. Upon completion of the handbook (that is, no space remains for additional entries) or termination of the homeworker's services, the handbook shall be returned to the employer for preservation in accordance with the rules in this chapter. A separate record and a separate handbook shall be kept for each person performing homework.

216.31(4) *Preservation of industrial homework certificates.* Certificates issued to permit homework in the restricted industries (29 CFR 530) shall be preserved in accordance with the regulations of 29 CFR 530.8 and in subrule 216.5(2).

SOURCE: 29 CFR 516.31.